UNITED STATES PATENT AND TRADEMARK OFFICE

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10/007,887	11/05/2001	Tetsuo Hoshi	010817	3039

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EXAMINER
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ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	10/007,887	HOSHI ET AL.
	Examiner	Art Unit	
	Kuen S Lu	2167	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11/2/2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _63-76_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _63-76_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 75 is objected to because of the following informalities: There are two claims numbered 75. The Examiner interprets the second claim 75 as claim 76. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 63 recites the limitation "said remote controllers" in "a plurality of remote controller nodes connected to said plurality of nodes, said plurality of remote controller nodes being capable of adding time stamps to and storing received output signals from **said remote controllers** and transmitting said output signals through said network". There is insufficient antecedent basis for this limitation in the claim. The Examiner interprets "said remote controllers" as "remote controllers".

4. Claim 68 recites the limitation "from remote controller nodes" in "a plurality of remote controller nodes connected as said plurality of nodes, said plurality of remote controller nodes being capable of adding time stamps to and storing received output signals from **remote controller nodes** and transmitting output signals through said network". There is insufficient antecedent basis for this limitation in the claim. The Examiner interprets the limitation as "a plurality of remote controller nodes connected to said plurality of nodes, said plurality of remote controller nodes being capable of adding time stamps to and

storing received output signals from **said remote controllers** and transmitting said output

signals through said network".

5. Claim 63 recites the limitation "according to a record of user access through said

network" in "wherein said service section updates said profile data of each node user

according to a record of user access through said network". There is insufficient

antecedent basis for this limitation in the claim. The Examiner interprets the limitation

as " according to a record of user access through said network" in "wherein said service

section updates said profile data of each node user according to stored output signals

from remote controllers".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 63-66 and 68-75 are rejected are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kawasaki (U.S. Patent 6,539,375) and in view of Das et al. (U.S.

Patent 6,493,688, hereafter "Das").

As per claim 63, Kawasaki teaches the following:

"a service section connected to a network" (See Fig. 1 wherein Kawasaki's e-mail, web

and push service providers on the internet or data network is equivalent to Applicant's a

service section connected to a network);

"a plurality of nodes connected to said network and there-through to said service section

and allocated with specific addresses that are unique within said network" (See FIG. 1

and col. 4, lines 1-5 wherein Kawasaki's identifiable web browsers and users are

connected to the internet is equivalent to Applicant's a plurality of nodes connected to

said network and there-through to said service section and allocated with specific

addresses that are unique within said network);

"a plurality of remote controller nodes connected to said plurality of nodes, said plurality

of remote controller nodes being capable of adding time stamps to and storing received

output signals from said remote controllers and transmitting said output signals through

said network" (See Figs. 1 and 3, and col. 2, line 60 – col. 3, line 17 wherein Kawasaki's

user activities on the internet is scanned and recognized by the recognizers with respect

to areas, time and categories of interests for forming user profile is equivalent to

Applicant's a plurality of remote controller nodes connected to said plurality of nodes,

said plurality of remote controller nodes being capable of adding time stamps to and

storing received output signals from said remote controllers and transmitting said output

signals through said network);

"said service section acquires through said network profile data of each node user through each node and analyzes said pro-file data, in order to mediate through said network between said each node user and each system user according to said profile data to help exchange information through said network" (See Fig. 1, element 26 and col. 4, lines 42-48 wherein Kawasaki's user activities scanning data is analyzed and recognized for forming user profile data by the profiler is equivalent to Applicant's said service section acquires through said network profile data of each node user through each node and analyzes said pro-file data, in order to mediate through said network between said each node user and each system user according to said profile data to help exchange information through said network);

"wherein said service section acquires through said network said output signals from each said remote controller node and analyzes operation performed by each said remote controller node" (See Fig. 1, element 26 and col. 4, lines 42-48 wherein Kawasaki's user activities scanning data is analyzed and recognized for forming user profile data by the profiler is equivalent to Applicant's wherein said service section acquires through said network said output signals from each said remote controller node and analyzes operation performed by each said remote controller node); and

"terminal devices for system users connected to said network and there-through to said service section and said plurality of nodes" (See Fig. 1, element 14 wherein Kawasaki's the personal station is connected to the network suggests its capability to perform system users function is equivalent to Applicant's terminal devices for system users

connected to said network and there-through to said service section and said plurality of

nodes).

Kawasaki does not specifically teach "wherein said service section updates said

profile data of each node user according to a record of user access through said

network", although Kawasaki teaches creating user profile as previously described.

However, Das teaches "wherein said service section updates said profile data of

each node user according to a record of user access through said network" (See col. 6,

lines 31-37 wherein Das' user profile update is fed back based on user viewing history

is equivalent to Applicant's wherein said service section updates said profile data of

each node user according to a record of user access through said network).

It would have been obvious to one having ordinary skill in the art at the time of the

applicant's invention was made to combine Kawasaki's teaching with Das reference by

dynamically updating user profile data information for providing content services to user

accordingly because both references are dedicated to providing categories of contents

to users based on user profile data, and the combined reference would have enabled

Kawasaki's system to provide categories of content of user's interest accurately to

user's preferences.

Das further teaches the following:

"wherein when said node user declares limit of profile data disclosure against said

service section, said service section provides through said network a level of service

appropriate for said limit of profile data disclosure" (See col. 1, lines 6-15 wherein Das'

user profile is colored, password protected and selected to use suggests user's option

to use or decline to use the profile is equivalent to Applicant's wherein when said node

user declares limit of profile data disclosure against said service section, said service

section provides through said network a level of service appropriate for said limit of

profile data disclosure);

"wherein said service section uses as user profile data at least either user specific data

independent of time lapse or user specific dynamic data dependent on time lapse" (See

col. 1, lines 59-63 and col. 6, lines 48-58 wherein Das' user profile may be precisely

updated or tuned, and time and duration are factored in determining user programming

suggests teaching of time elapse dependency of user profile).

As per claim 68, Kawasaki teaches the following:

"a service section connected to a network" (See Fig. 1 wherein Kawasaki's e-mail, web

and push service providers on the internet or data network is equivalent to Applicant's a

service section connected to a network);

"a plurality of nodes connected to said network and there-through to said service section

and allocated with specific addresses that are unique within said network" (See FIG. 1

and col. 4, lines 1-5 wherein Kawasaki's identifiable web browsers and users are

connected to the internet is equivalent to Applicant's a plurality of nodes connected to

said network and there-through to said service section and allocated with specific

addresses that are unique within said network);

"a plurality of remote controller nodes connected to said plurality of nodes, said plurality

of remote controller nodes being capable of adding time stamps to and storing received

output signals from said remote controllers and transmitting said output signals through

said network" (See Figs. 1 and 3, and col. 2, line 60 – col. 3, line 17 wherein Kawasaki's

user activities on the internet is scanned and recognized by the recognizers with respect

to areas, time and categories of interests for forming user profile is equivalent to

Applicant's a plurality of remote controller nodes connected to said plurality of nodes,

said plurality of remote controller nodes being capable of adding time stamps to and

storing received output signals from said remote controllers and transmitting said output

signals through said network);

"wherein said service section acquires through said network said output signals from

each said remote controller node and analyzes operation performed by each said

remote controller node" (See Fig. 1, element 26 and col. 4, lines 42-48 wherein

Kawasaki's user activities scanning data is analyzed and recognized for forming user

profile data by the profiler is equivalent to Applicant's wherein said service section

acquires through said network said output signals from each said remote controller

node and analyzes operation performed by each said remote controller node); and

"said service section acquires through said network and analyzes audience data

according to a record of user access to broadcast content" (See Fig. 1, element 26 and

col. 4, lines 42-48 wherein Kawasaki's user activities scanning data is analyzed and

recognized for forming user profile data by the profiler is equivalent to Applicant's said

service section acquires through said network profile data of each node user through

each node and analyzes said pro-file data, in order to mediate through said network

between said each node user and each system user according to said profile data to

help exchange information through said network);

Kawasaki does not specifically teach "wherein said service section selectively

delivers through said network at least either an advertisement or information content

related to a broadcast content suited for profile for each node user", although Kawasaki

teaches delivery of advertising and content information at col. 1, lines 20-37.

However, Das teaches "wherein said service section updates said profile data of

each node user according to a record of user access through said network" (See col. 6,

lines 31-37 wherein Das' user profile update is fed back based on user viewing history

is equivalent to Applicant's wherein said service section updates said profile data of

each node user according to a record of user access through said network).

It would have been obvious to one having ordinary skill in the art at the time of the

applicant's invention was made to combine Kawasaki's teaching with Das reference by

dynamically updating user profile data information for providing content services to user

accordingly because both references are dedicated to providing categories of contents

to users based on user profile data, and the combined reference would have enabled

Kawasaki's system to provide categories of content of user's interest accurately to

user's preferences.

Das further teaches the following:

"said service section receives a remote controller output signal each time a relevant

remote controller is operated" (See col. 6, lines 31-37 wherein Das' remote control may

be arranged to record user's viewing history and profile data may be updated

accordingly suggests the sending and receiving of control output signal may be arranged to controller operation is equivalent to Applicant's said service section receives a remote controller output signal each time a relevant remote controller is operated).

As per claim 64, Das further teaches "service section analyzes said user profile data and delivers through said network advertisement content to each remote controller node according to profile data of each node user" (See col. 6, lines 31-37 wherein Das' user profile update is fed back based on user viewing history is equivalent to Applicant's service section analyzes said user profile data and delivers through said network advertisement content to each remote controller node according to profile data of each node user).

As per claim 65, Das further teaches "wherein each remote controller node sends through said network said remote controller output signal to said service section each time a relevant remote controller is operated" (See col. 6, lines 31-37 wherein Das' remote control may be arranged to record user's viewing history and profile data may be updated accordingly suggests the sending and receiving of control output signal may be arranged to controller operation is equivalent to Applicant's wherein each remote controller node sends through said network said remote controller output signal to said service section each time a relevant remote controller is operated).

As per claims 66 and 75, Das further teaches "wherein said device is a television or a video cassette recorder and wherein infrared signals are used for command" (See col. 6, lines 21-25 wherein Das' infrared signals perform channel up command is equivalent to Applicant's wherein said device is a television or a video cassette recorder and wherein infrared signals are used for command).

As per claim 69, Kawasaki teaches "wherein said service section performs as least either billing to an advertiser or measurement of advertising effectiveness according to record obtained through said network of data on access to advertisement content" (See col. 1, lines 43-53 wherein Kawasaki's effectiveness of advertising is measured in unit of page view is equivalent to Applicant's wherein said service section performs as least either billing to an advertiser or measurement of advertising effectiveness according to record obtained through said network of data on access to advertisement content).

As per claim 70, Kawasaki teaches "wherein said record of data on access to advertisement is carried out through said network in response to a request from said service section" (See col. 1, lines 20-30 and col. 2, lines 35-40 wherein Kawasaki's advertisers' messages are part of service provided to the viewers is equivalent to Applicant's wherein said record of data on access to advertisement is carried out through said network in response to a request from said service section).

As per claim 71, Kawasaki teaches "wherein transmission of said record of data on access to broadcast content from each node to said service section is carried out through said network in response to request from said service section" (See Fig. 2 and col. 4, lines 6-32 wherein Kawasaki's categories of content are request by and provided to users on the network via various recognizers is equivalent to Applicant's wherein transmission of said record of data on access to broadcast content from each node to said service section is carried out through said network in response to request from said service section).

As per claim 72, Kawasaki teaches "wherein transmission of said record of data on access to advertisement content is autonomously carried out by each node in response to request from said service section through said network" (See col. 1, lines 29-37 wherein Kawasaki's advertisements are provided similar to paid-for-services mode is equivalent to Applicant's wherein transmission of said record of data on access to advertisement content is autonomously carried out by each node in response to request from said service section through said network).

As per claim 73, Kawasaki teaches "wherein transmission of said record of data on access to broadcast content from each node through said network to said service section is autonomously carried out by each node in response to a request from said service section" (See col. 1, lines 29-37 wherein Kawasaki's services are provided similar to paid-for-services mode is equivalent to Applicant's wherein transmission of

said record of data on access to broadcast content from each node through said

network to said service section is autonomously carried out by each node in response to

a request from said service section).

As per claim 74, Kawasaki teaches "wherein said service section analyzes and

processes data on audience rating of television" (See Fig. 3 and col. 5, lines 9-18

wherein Kawasaki's user level of interest is measured is equivalent to Applicant's

wherein said service section analyzes and processes data on audience rating of

television).

8. Claims 67 and 76 are rejected are rejected under 35 U.S.C. 103(a) as being

unpatentable Kawasaki (U.S. Patent 6,539,375) and in view of Das et al. (U.S. Patent

6,493,688, hereafter "Das"), as applied to claims 63-66 and 68-75 above, and further in

view of Shteyn et al. (U.S. Patent 6,782,253, hereafter "Shteyn").

As per claims 67 and 76, Das teaches "an operation means for receiving through said

network an output signal from said wireless remote controller, for acquiring historic

record of operation ass said device according to a command into a form of signal that

said device receives and then for outputting said signal" (See col. 6, lines 31-37 wherein

Das' user profile update is fed back based on user viewing history is equivalent to

Applicant's an operation means for receiving through said network an output signal from

said wireless remote controller, for acquiring historic record of operation ass said device

according to a command into a form of signal that said device receives and then for outputting said signal).

The Das or Kawasaki reference does not specifically teach "a wireless remote controller for transmitting through said network a command for operating a device being remote controlled in a signal form which is different from a signal form said device is remotely operated".

However, Shteyn teaches "a wireless remote controller for transmitting through said network a command for operating a device being remote controlled in a signal form which is different from a signal form said device is remotely operated" (See Fig. 1 and col. 6, lines 37-57 wherein Shteyn's beacon is the remote controller to communicate with mobile device in a wireless network is equivalent to Applicant's a wireless remote controller for transmitting through said network a command for operating a device being remote controlled in a signal form which is different from a signal form said device is remotely operated).

It would have been obvious to one having ordinary skill in the art at the time of the applicant's invention was made to further combine Shteyn's reference with the combined teaching of Kawasaki and Das references by utilizing wireless technology for providing content services to mobile user because both references are dedicated to providing contents to users based on user, and the combined reference would have enabled Kawasaki's system to provide content of user's interest more accurately, friendly, privately and flexibly to user's preferences.

Response to Arguments

9. In response to the Applicant's above arguments with respect to claims 39-62 have been considered but are moot in view of the new ground(s) of rejection and Applicant's cancellation of the claims without prejudice.

10. The prior art made of record:

    A. U.S. Patent   6,539,375

    B. U.S. Patent   6,493,688

    C. U.S. Patent   6,782,253

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

    D. U.S. Patent   6,727,914

    E. U.S. Patent   6,813,619

    F. U.S. Patent   6,738,978

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is 703-305-4894. The examiner can normally be reached on 8 AM to 5 PM, Monday through Friday.

If at tempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kuen S. Lu

Patent Examiner

March 23, 2005

Luke Wassum

Primary Examiner

March 23, 2005